

110TH CONGRESS
2D SESSION

H. R. 5976

To establish the United States Commission on Rebuilding America for the 21st Century, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2008

Mr. BLUMENAUER (for himself, Mrs. TAUSCHER, Mr. GEORGE MILLER of California, Ms. VELÁZQUEZ, Mr. RAHALL, Mr. FARR, Mr. FRANK of Massachusetts, Ms. DELAURO, Mrs. LOWEY, Mr. EMANUEL, Mr. BECERRA, Mr. DEFAZIO, Mr. LATOURETTE, Mr. PETRI, Mr. SHAYS, and Mr. WELCH of Vermont) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Natural Resources, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the United States Commission on Rebuilding America for the 21st Century, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States Commis-
5 sion on Rebuilding America for the 21st Century Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) In 1808, Albert Gallatin, while serving as
4 President Thomas Jefferson's Secretary of the
5 Treasury, reported to Congress on the infrastructure
6 investments needed by the young Nation.

7 (2) Gallatin's plan built on President George
8 Washington's vision of connecting the interior settle-
9 ments of the Nation with the markets and ports of
10 the East Coast through a network of roads and ca-
11 nals, and provided a roadmap for infrastructure de-
12 velopment in the 19th century.

13 (3) In 1908, President Theodore Roosevelt con-
14 vened a conference of State and territorial gov-
15 ernors, members of his Cabinet and Congress, pro-
16 fessional organizations, private citizens, and govern-
17 ment agencies to plan for the United States con-
18 servation and infrastructure needs in the 20th cen-
19 tury.

20 (4) The resulting plan laid the groundwork for
21 many of the critical investments initiated by Presi-
22 dent Franklin D. Roosevelt to jumpstart the Na-
23 tion's recovery from the Great Depression.

24 (5) Today, as in 1808 and 1908, the United
25 States is faced with significant economic, environ-
26 mental, and demographic challenges.

1 (6) To stave off the worst effects of global
2 warming, the United States will need to reduce
3 greenhouse gas emissions significantly.

4 (7) The Nation's population is projected to in-
5 crease to 420 million by 2050, which is nearly a 50
6 percent increase from the Nation's population size in
7 2000.

8 (8) By 2050, more than 70 percent of the Na-
9 tion's population growth and economic growth is ex-
10 pected to take place in extended networks of metro-
11 politan regions linked by environmental systems,
12 transportation networks, economies, and culture.

13 (9) The National Surface Transportation Policy
14 and Revenue Study Commission recently calculated
15 that maintaining the Nation's existing transpor-
16 tation system over the next 50 years will require
17 \$225 billion annually. The latest transportation au-
18 thorization, SAFETEA-LU, provided only \$244 bil-
19 lion total for the 5 years ending with fiscal year
20 2009.

21 (10) The American Society of Civil Engineers
22 has given the Nation's public infrastructure, con-
23 sisting of water, sewer, and transportation systems,
24 a grade of D-minus, estimating that it will cost \$1.6

1 trillion over the next 5 years merely to repair the
2 Nation's existing infrastructure.

3 (11) The Nation's decaying water infrastruc-
4 ture and a lack of available funding to maintain and
5 upgrade the Nation's wastewater infrastructure pose
6 a serious threat to water quality. More than 72,000
7 miles of municipal water and sewer pipe are more
8 than 80 years old, threatening the health, environ-
9 ment, and economy of communities large and small.

10 (12) Population growth and associated develop-
11 ment will place the Nation's water resources under
12 increasing stress, including increased pollutant
13 loads, increased potential for flooding, diminished
14 drinking water supplies, loss of aquatic habitat, and
15 stream scouring and erosion. Global warming will
16 exacerbate existing water challenges and make other
17 changes to the natural hydrology, including more ex-
18 treme storm events, more frequent droughts, higher
19 air and water temperatures, changes in timing of
20 stream flows, and sea level rise. New technologies
21 and a comprehensive strategy will be needed to over-
22 come these challenges and ensure a safe, adequate,
23 reliable, and sustainable water supply.

24 (13) The Environmental Protection Agency, the
25 Congressional Budget Office, and other stakeholders

1 have identified a funding gap of between \$300 bil-
2 lion and \$400 billion over the next 20 years for the
3 restoration and replacement of wastewater infra-
4 structure, and an additional \$250 billion over the
5 next 30 years will be needed to replace worn-out
6 drinking water pipes and associated structures.

7 (14) From 1999 to 2009, the Nation's elec-
8 tricity demand rose by nearly 20 percent while
9 transmission capacity grew by only 3.5 percent. To
10 accommodate increased demand, and to accommo-
11 date increased electrical supply from renewable
12 sources by 2050, electrical transmission infrastruc-
13 ture requires significant investment.

14 (15) The Nation's rural economy is dependant
15 on transportation and communications networks to
16 grow and compete in an increasingly globalized mar-
17 ket.

18 (16) Significant under-investment in public
19 lands infrastructure jeopardizes the tremendous con-
20 servation, environmental, and mixed use benefits
21 that these lands provide the public.

22 (17) Much of the Nation's infrastructure was
23 built in the last half of the 20th century and will
24 reach its capacity limits early in the 21st century.
25 Unless new capacity is created in roads, rails, air-

1 ports, seaports, and other systems, the Nation’s eco-
2 nomic potential will be artificially limited.

3 (18) Since 1980, the number of miles people in
4 the United States drive has grown 3 times faster
5 than the Nation’s population. Residents of walkable
6 cities, however, drive 26 percent fewer miles per day
7 than those living in the most sprawling areas.

8 (19) By 2050, 89 million new or replaced
9 homes as well as 190 billion square feet of new of-
10 fices, stores, and other nonresidential buildings will
11 be constructed.

12 (20) By 2050, smart growth building policies
13 could reduce total transportation-related CO₂ emis-
14 sions by 7 to 10 percent.

15 (21) Development of a bold national plan to
16 overcome these challenges by 2050 will allow the
17 United States to respond in the most economically
18 and environmentally sustainable way.

19 **SEC. 3. ESTABLISHMENT.**

20 There is established a commission to be known as the
21 “United States Commission on Rebuilding America for the
22 21st Century” (in this Act referred to as the “Commis-
23 sion”).

1 **SEC. 4. MEMBERSHIP.**

2 (a) APPOINTMENT OF MEMBERS.—The Commission
3 shall be composed of 17 members as follows:

4 (1) Two members, including the chairman of
5 the Commission, to be appointed by the Speaker of
6 the House of Representatives.

7 (2) Two members to be appointed by the major-
8 ity leader of the Senate.

9 (3) Three members to be appointed jointly by
10 the minority leader of the House of Representatives
11 and the minority leader of the Senate.

12 (4) One member to be appointed by the Admin-
13 istrator of the Environmental Protection Agency.

14 (5) One member to be appointed by the Sec-
15 retary of Transportation.

16 (6) One member to be appointed by the Sec-
17 retary of Housing and Urban Development.

18 (7) One member to be appointed by the Sec-
19 retary of the Interior.

20 (8) One member to be appointed by the Sec-
21 retary of Energy.

22 (9) One member to be appointed by the Presi-
23 dent of the Executive Committee of the Board of Di-
24 rectors of the National Association of Counties, in
25 consultation with the other members of the Board.

1 (10) One member to be appointed by the Chair
2 of the National Governors Association.

3 (11) One member to be appointed by the Exec-
4 utive Director of the National Conference of State
5 Legislatures, in consultation with the members of
6 the Conference's executive committee.

7 (12) One member to be appointed by the Presi-
8 dent of the Board of Directors of the National Asso-
9 ciation of Regional Councils, in consultation with the
10 other members of the Board.

11 (13) One member to be appointed by the Presi-
12 dent of the United States Conference of Mayors, in
13 consultation with the members of the Conference's
14 executive board.

15 (b) DATES OF APPOINTMENTS.—The initial member
16 appointed to the Commission shall be the Chairman, as
17 designated by the Speaker of the House of Representatives
18 under subsection (a)(1). The remainder of the members
19 of the Commission shall be appointed in the 30-day period
20 beginning on the 30th day following the date of the ap-
21 pointment of the Chairman.

22 (c) QUALIFICATIONS.—

23 (1) IN GENERAL.—Each member of the Com-
24 mission shall be knowledgeable in—

1 (A) the fields of transportation finance,
2 highway and transit programs, and transpor-
3 tation policy;

4 (B) the fields of land use and housing pol-
5 icy, including community planning and design;

6 (C) the fields of water supply, water infra-
7 structure, and water conservation policy; or

8 (D) the fields of energy supply, energy in-
9 frastructure, and energy conservation policy.

10 (2) ELIGIBILITY OF CERTAIN REPRESENTA-
11 TIVES.—The members of the Commission—

12 (A) may include representatives of State
13 and local governments, public transportation
14 authorities, and other appropriate governmental
15 units; but

16 (B) may not include any member of the
17 House of Representatives, the Senate, or the
18 President's Cabinet.

19 (d) TERMS.—The members of the Commission shall
20 be appointed for the life of the Commission.

21 (e) VACANCIES.—A vacancy on the Commission shall
22 be filled promptly and in the manner in which the original
23 appointment was made.

24 (f) MEETINGS.—

1 (1) INITIAL MEETING.—Not later than 60 days
2 after the last day of the appointment period de-
3 scribed in section 4(b), the Commission shall hold
4 the initial meeting of the Commission.

5 (2) MEETINGS.—The Commission shall meet at
6 the call of the chairman of the Commission or a ma-
7 jority of its members.

8 (3) QUORUM.—A majority of the members of
9 the Commission shall constitute a quorum, but a
10 lesser number of members may hold hearings.

11 (g) PAY.—Members of the Commission shall serve
12 without pay.

13 (h) TRAVEL EXPENSES.—Each member of the Com-
14 mission shall receive travel expenses, including per diem
15 in lieu of subsistence, in accordance with applicable provi-
16 sions under subchapter I of chapter 57 of title 5, United
17 States Code.

18 **SEC. 5. DUTIES.**

19 (a) REVIEW OF PUBLISHED MATERIALS.—

20 (1) IN GENERAL.—The Commission shall review
21 published materials on the Nation’s transportation,
22 water, energy, public lands, and housing infrastruc-
23 ture and, based on the review, assess the challenges
24 of meeting the Nation’s infrastructure needs in the
25 21st century.

1 (2) REPORT TO CONGRESS.—Not later than
2 120 days after the last day of the appointment pe-
3 riod described in section 4(b), the Commission shall
4 submit to Congress a report on the review and as-
5 sessment conducted under paragraph (1) and make
6 the report available to the public.

7 (b) PUBLIC HEARINGS.—In order to facilitate a na-
8 tional dialogue on the Nation’s infrastructure needs, the
9 Commission shall hold public hearings in at least 50 con-
10 gressional districts representing a cross-section of the geo-
11 graphical regions of the United States, and consult with
12 other interested persons, before submitting a final report
13 under subsection (c)

14 (c) FINAL REPORT.—

15 (1) NATIONAL VISION OF INFRASTRUCTURE IN-
16 VESTMENTS.—Not later than one year after the last
17 day of the appointment period described in section
18 4(b), the Commission shall prepare and submit to
19 Congress a report that—

20 (A) documents the challenges of meeting
21 the Nation’s transportation, water, energy, pub-
22 lic lands, and housing infrastructure needs in
23 the 21st century; and

1 (B) articulates a national vision of infra-
2 structure investments to overcome the chal-
3 lenges.

4 (2) SPECIFIC RECOMMENDATIONS.—The report
5 to be submitted under paragraph (1) shall contain
6 specific recommendations on appropriate policies and
7 investments, including integration of existing pro-
8 grams, to provide the people of the United States
9 with—

10 (A) improved transportation mobility,
11 choice, and access to economic opportunities;

12 (B) streamlined investment processes to
13 facilitate State and local transportation invest-
14 ments;

15 (C) improved community health outcomes
16 and social equity;

17 (D) improved water conservation, quality,
18 and quantity;

19 (E) an efficient, vibrant, and flexible elec-
20 tric grid that delivers clean, safe, and affordable
21 energy;

22 (F) reductions in greenhouse gas emis-
23 sions; and

24 (G) improved public lands infrastructure
25 sufficient to accommodate the growth in users

1 without degrading the environmental and con-
2 servation values of the public lands.

3 (3) MODEL PRINCIPLES.—The report to be sub-
4 mitted under paragraph (1) shall contain a set of
5 model principles to ensure that future investments in
6 the Nation’s transportation, water, energy, public
7 lands, and housing infrastructure incorporate the
8 findings and recommendations contained in the re-
9 port.

10 **SEC. 6. POWERS.**

11 (a) HEARINGS AND SESSIONS.—For the purpose of
12 carrying out this Act, the Commission may hold such
13 hearings, meet and act at such times and places, take such
14 testimony, administer such oaths, and receive such evi-
15 dence as the Commission considers appropriate.

16 (b) OTHER EVIDENCE.—The Commission shall gath-
17 er evidence through such means as the Commission con-
18 siders appropriate, including—

19 (1) by soliciting comments through Federal
20 Register notices; and

21 (2) by receiving testimony at public hearings
22 conducted by members of the Commission, at the di-
23 rection of the chairman of the Commission, subject
24 to appropriate rules governing the receiving of evi-
25 dence.

1 (c) OBTAINING OFFICIAL DATA.—The Commission
2 may secure directly from any department or agency of the
3 United States information (other than information re-
4 quired by any law to be kept confidential by such depart-
5 ment or agency) necessary for the Commission to carry
6 out its duties under this Act. Upon request of the Commis-
7 sion, the head of that department or agency shall furnish
8 such nonconfidential information to the Commission.

9 (d) CONTRACTS.—The Commission may enter into
10 contracts with other entities in carrying out the duties of
11 the Commission.

12 (e) GIFTS, BEQUESTS, AND DEVICES.—To the extent
13 or in the amounts provided in advance in appropriations
14 Acts, the Commission may accept, use, and dispose of
15 gifts, bequests, or devises of services or property, both real
16 and personal, for the purpose of aiding or facilitating the
17 work of the Commission. Gifts, bequests, or devises of
18 money and proceeds from sales of other property received
19 as gifts, bequests, or devises shall be deposited in the
20 Treasury and shall be available for disbursement upon
21 order of the Chairperson.

22 (f) MAILS.—The Commission may use the United
23 States mails in the same manner and under the same con-
24 ditions as other departments and agencies of the United
25 States.

1 (g) ADMINISTRATIVE SUPPORT SERVICES.—Upon
2 the request of the Commission, the Administrator of Gen-
3 eral Services shall provide to the Commission, on a reim-
4 bursable basis, the administrative support services nec-
5 essary for the Commission to carry out its responsibilities
6 under this Act.

7 **SEC. 7. STAFF.**

8 (a) STAFF.—The Commission may appoint and fix
9 the pay of such personnel as the Commission considers
10 appropriate.

11 (b) STAFF OF FEDERAL AGENCIES.—Upon request
12 of the Commission, the head of any Federal department
13 or agency may detail, on a reimbursable basis, any of the
14 personnel of that department or agency to the Commission
15 to assist the Commission in carrying out its duties under
16 this Act.

17 (c) EXPERTS AND CONSULTANTS.—The Commission
18 may procure temporary and intermittent services under
19 section 3109(b) of title 5, United States Code, but at rates
20 for individuals not to exceed the daily equivalent of the
21 maximum annual rate of basic pay for GS–15 of the Gen-
22 eral Schedule.

23 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

24 There is authorized to be appropriated to carry out
25 this Act \$2,500,000.

1 **SEC. 9. TERMINATION.**

2 The Commission shall terminate on the 180th day
3 following the date of transmittal of the final report re-
4 quired under section 5(c). All records and papers of the
5 Commission shall thereupon be delivered to the Adminis-
6 trator of General Services for deposit in the National Ar-
7 chives.

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